IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.113 OF 2005
IN
NOTICE OF MOTION NO.2798 OF 2004
IN
SUIT NO.1580 OF 1984

M/s.Ritesh Kumar & Co. ....Appellant
Ori.Defts.

V/s.

National Textile Corpn.Ltd. & Anr. ....Respondents
Ori.Plffs.

WITH

APPEAL NO.117 OF 2005
IN
NOTICE OF MOTION NO.2800 OF 2004
IN
SUIT NO.1607 OF 1984

M/s.Mukesh Trading & Co. ....Appellant
Ori.Defts.

V/s.

National Textile Corpn.Ltd. & Anr. ....Respondents
Ori.Plffs.

WITH

APPEAL NO.127 OF 2005
IN
NOTICE OF MOTION NO.2799 OF 2004
IN
SUIT NO.2759 OF 1984

M/s.Sona Textiles ....Appellant
Ori.Defts.

V/s.

National Textile Corpn.Ltd. & Anr. ....Respondents
Ori.Plffs.

Mr.Nagpurkar i/b Bagla Dandekar & Co. for the Appellant.

Mr.V.J. Shah for the Respondent.

CORAM : A.P. SHAH AND
S.J. VAZIFDAR, JJ.
DATED : 11TH APRIL, 2005.

P.C. :

1. By consent all the Appeals are taken up for final hearing and disposed of by this common order.

2. The Appeals have been filed against the orders of the learned single Judge setting aside the ex-parte decrees conditional upon the Defendants depositing an amount of Rs.5,00,000/-, Rs.10,00,000/- and Rs.40,000/- respectively in the above matters. The suits filed by the Respondents were decreed ex-parte. The Appellants' case is that even though they have filed the written statements and issues have been settled, the advocate did not appear in the Court when the suits were placed on board for hearing. The Appellants' advocate had stopped practicing since 1990. The learned single Judge found that there was no satisfactory explanation as to the manner in which the Appellants prosecuted the suits which were filed twenty years ago. We are unable to fault either the

finding or the reasoning of the learned single Judge. The affidavit in support indeed does not contain any details regarding the manner in which the Appellants were prosecuting the above suits. In the circumstances, and considering the nature of the claims made by the Plaintiffs, the orders requiring the Appellants to deposit the aforesaid amounts, does not suffer from any infirmity.

3. In the circumstances, the above Appeals are dismissed. However, there shall be no order as to costs.